



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,102	09/26/2003	Atsushi Nakajima	KON-1829	1185

20311 7590 07/26/2005

MUSERLIAN, LUCAS AND MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK, NY 10016

EXAMINER

MCCLENDON, SANZA L

ART UNIT PAPER NUMBER

1711

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,102

Applicant(s)

NAKAJIMA, ATSUSHI

Examiner

Sanza L. McClendon

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on April 25, 2005, the examiner has carefully considered the amendments. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claim 7 has been overcome by the amendment and has hereby been withdrawn for consideration.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Laksin et al (6,232,361).

Response to Arguments

2. Applicant's arguments filed April 25, 2005 have been fully considered but they are not persuasive. While applicant's arguments are not persuasive for the rejection of claims 1-20 under 35 USC 102(b) as being anticipated by Laksin (6,232,361), it is persuasive for the rejection under 35 USC 102(b) by Sanenobu (JP 2001-220526 since this reference does not teach polymeric dispersants. Applicant appears to be relying on the amendment to overcome the rejection. However the examiner deems that Laksin et al teaches dispersing pigments in polymeric compounds. The examiner refers applicant to example 2. Laksin et al teaches that the pigment is first dispersed in the epoxy resin (Cyacure 6105) and then the other polymerizable materials and additives are added to said dispersion. Therefore applicant's invention is deemed still be anticipated by the reference. In addition, the examiner will cite new art in response to applicant's amendment—see below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuo et al (JP 2002-188025).

Yasuo et al teaches actinic energy curable ink-jet ink compositions. Said in composition comprises from 10-50—wt% of an epoxy compound (oxirane), from 50-90—wt% of an oxetane compound, and 0-40—wt% of a vinyl ether compound with a pigment, cationic photoinitiator, and pigment dispersant. Said oxetane compounds are described in [0022] to [0043], wherein these are deemed to anticipate claims 8-13. All component claim ranges are within applicant's ranges and are therefore anticipated. The pigment dispersant, as taught by Yasuo, is a polymeric material described in [0049] to [0053]. Yasuo et al teaches a similar ink-jetting method for said composition in paragraph [0055], therefore the methods of claims 19-20. The ink jet composition is deemed to be anticipated by Yasuo, therefore the compositions are deemed to anticipate applicant's claimed invention as written; and thusly, the compositions of Yasuo, in the absence of unexpected results and/or evidence to the contrary, should inherently have the same properties as claimed by applicant.

6. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Sanenobu (JP 2003-212965).

Sanenobu teaches active energy curable ink compositions. Said composition comprises (A) an epoxy compound, (B) an oxetane compound, (C) a cationic photopolymerization initiator, (D) a pigment and (E) and pigment dispersant. Said pigment dispersant is a comb polymer with basic anchors and liquid at room temperature. This is deemed to anticipate the composition of claim 1. Said oxetane compounds can be found in paragraphs [0012] to [0018], wherein the compounds of claims 8-13 can be found. The pigment dispersant can be found in [0026]. The additive of amounts for all components in the composition can be found in [0009],

Art Unit: 1711

wherein these are deemed to be within applicant's claimed ranges. Sanenobu teaches these ink can be used in convention ink-jet printers, therefore claims 19-20 are deemed anticipated by the reference. The compositions of Sanenobu is deemed to anticipate applicant's claimed invention as written; and thusly, the compositions of Sanenobu, in the absence of unexpected results and/or evidence to the contrary, should inherently have the same properties as claimed by applicant.

Conclusion


7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sanza L. McClendon

Application/Control Number: 10/673,102

Page 5

Art Unit: 1711

Examiner

Art Unit 1711

SMc